

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF	)	
KENTUCKY, INC. FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT AN ADDITIONAL	)	
CELL FACILITY IN THE KENTUCKY RURAL	)	
SERVICE AREA NO. 7 WHICH INCLUDES	)	CASE NO. 95-121
TRIMBLE, CARROLL, GALLATIN, HENRY,	)	
FRANKLIN, OWEN, GRANT, PENDLETON,	)	
HARRISON AND SHELBY COUNTIES IN	)	
KENTUCKY (THE ST. MARY CELL FACILITY)	)	

O R D E R

On April 10, 1995, the Commission received the attached letter from Eugene M. Brown, Vice President and C.F.O. of Hendrix and Dail, Inc. Hendrix and Dail either owns or occupies property within 500 feet of the proposed cellular telecommunications facility to be located at 396 Old Harrodsburg Road located west of U.S. Highway No. 127 (formerly KY 35) south of the city of Frankfort, Franklin County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Contel Cellular shall respond to Mr. Brown's questions by certified letter, within 10 days of the date of this Order.
2. Contel Cellular shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 14th day of April, 1995.

ATTEST:

  
Executive Director

PUBLIC SERVICE COMMISSION  
  
For the Commission



# HENDRIX AND DAIL, INC.

CORPORATE OFFICE

P.O. BOX 648

GREENVILLE, NC 27835-0648

PHONE 800-637-9466

FAX (919) 758-2767

April 5, 1995

**RECEIVED**

Executive Director  
Public Service Commission of Kentucky  
PO Box 615  
Frankfort, KY 40602

APR 10 1995

PUBLIC SERVICE  
COMMISSION

Re: Public Notice-Public Service  
Commission of Kentucky  
CASE No. 95-121

Dear Mr. Director,

This letter is in response to W. Brent Rice, Atty. letter of March 24, 1995 concerning the above case.

As Vice President and C.F.O. of Hendrix and Dail, Inc. (Tenant) and as General partner of Brown, Lemons, & McLawhorn, partnership (Property Owner) I want to express our concerns about the proposed 260' tower which is being planned on our property line at 2150 Commercial Drive, Twilight Industrial Park, Frankfort, KY. We are concerned about any effects of a possible "electro-magnetic" field or microwaves which may be generated from this tower and their resulting dangers to our employees.

We are also concerned about the hazards in the event of a collapse of the tower. Our building would be less than thirty feet from the tower and we feel that our employees should not be exposed to these dangers.

There is also a concern, due to the types of chemicals stored here, that a release of chemicals due to a tower falling could cause a major environmental disaster.

I have discussed this with a local builder who has built several cellular towers here in North Carolina. He indicates there is a definite hazard from ice falling from the tower during the winter. He indicates that the site buildings are build "Bullet Proof" for this reason. I assure you our building is not "Bullet Proof" nor are our people.

## REGIONAL OFFICES

P.O. BOX 589

P.O. BOX 985

2150 COMMERCIAL DR.

7610 US HWY 41-N

OXFORD, NC 27585

TIFTON, GA 31794

FRANKFORT, KY 40601

PALMETTO, FL 34221

800-662-4130

800-872-0644

800-999-1262

800-728-5215

• FAX (919) 693-8787

• FAX (912) 382-9375

• FAX (502) 223-2753

• FAX (813) 729-2814



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Executive Director

Since there seems to be other land available in the immediate area we suggest that you consider moving the tower 260' south of our property line to an area that would not pose a threat to us or our neighboring industries.

We look forward to your positive response.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eugene M. Brown", followed by a horizontal line.

Eugene M. Brown  
Vice President & C.F.O.

EMB/sdb  
cc: KY Branch  
W. Brent Rice, Atty.

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND**

183 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

808-231-8780

FACSIMILE 808-231-8818

REAL ESTATE FAX 808-288-9777

March 24, 1995

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
D. ATRINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
FRED E. (BOB) FUGAZZI, JR.  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRASIER, III  
DENNIS J. CONNIFF  
JOHN D. IRVIN, JR.  
MEGAN LAKE THORNTON  
CHRISTOPHER M. HILL  
LISA ENGLISH HORD  
WILLIAM R. PALMER, JR.  
BRUCE W. MACDONALD \*  
THOMAS C. LYONS  
D. BARRY STILE  
CHERYL H. ANDERSON  
MARY WIS ESTES  
RUBAN PUGH CHARLIN  
LUKE BENTLEY III  
MATTHEW W. BREETS  
KELLY RANVIER SWARTZ  
R. STEPHEN MCGINNIS  
JON A. WOODALL

\* ALSO ADMITTED IN OHIO  
\*\* ALSO ADMITTED IN COLORADO

WATSON CLAY 11808-18881  
OSCAR SAMMONS 11808-18881

MAIN & HARRISON STREETS  
P. O. BOX 347  
GREENUP, KENTUCKY 41144-0347  
808-473-7303  
FACSIMILE 808-473-8003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
808-823-1200  
FACSIMILE 808-827-7389

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE NELTON  
FRANKFORT OFFICE

Brown, Lemons and McLawhorn  
P.O. Box 648  
Greenville, NC 27835

**RE: Public Notice - Public Service Commission of Kentucky,  
Case No. 95-121**

Dear Sir or Madam:

This letter is to inform you that Contel Cellular of Kentucky, Inc., which does business as Cellular One, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio telecommunication service. The facility will include a 235' self-supporting tower with attached antennas extending upwards for a total height of 260' above ground level and an equipment shelter to be located at 396 Old Harrodsburg Road located west of U.S. Highway No. 127 (formerly KY 35) south of the City of Frankfort, Franklin County, Kentucky. A temporary cellular radio antennae approximately 80' in height may be used at the referenced location until such time as the Public Service Commission approves or disapproves the Application submitted by Cellular One. A map showing the location of the temporary facility and the proposed new cell facility is enclosed. This notice is being sent to you because you own or use property that is located within a 500' radius of the proposed monopole.

The Commission invites your comments regarding the proposed construction. Also, the Commission wants you to be aware of your right to intervene in this matter. That right must be exercised within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 95-121 in your correspondence.

Sincerely,



W. Brent Rice  
Counsel for Contel Cellular  
of Kentucky, Inc.

[illegible]

FRANKLIN RD. PLANNING AND DESIGN  
810 N. MAIN STREET, 2ND FLOOR ABOVE  
FRANKFORT, KY 40601  
1801 616-0101  
ATTN: JIM GORDON

FOSTER/THOMPSON, INC. 449 S. ABRAMS RD. LEXINGTON, KY 40502 (606) 252-2300	180 S. MAIN ST., SUITE 2 VERMILION, KY 40383 (606) 271-1200	DRY: 252-2300	1
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